



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:
Eric Anderson et al.

Art Unit: 3711

Appl. No.: 10/510,822

Examiner: Fernstrom, Kurt

Confirmation No.: 3817

Filed: August 1, 2005

Atty. Docket No.: 39281-208683

For: METHOD FOR QUALIFYING
AND/OR TRAINING A PRIVATE
CUSTOMER FOR SPACE FLIGHT

Customer No.
26694

PATENT TRADEMARK OFFICE

DECLARATION UNDER 37 C.F.R. § 1.131

Honorable Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, the undersigned, being duly warned, declare the following:

1. I am a co-inventor of the subject matter described and claimed in the above-identified U.S. patent application. I have reviewed the claims of this application as currently amended.
2. I understand that the Office Action dated November 9, 2007 rejected this patent application over the publication "SPACE ADVENTURES: Orbital Space Flight" published by Incredible Adventures, which allegedly has an effective date of December 16, 2001. (The Office Action refers to this publication as "the Space Adventures document.")

Atty. Docket No.: 39281-208683

Declaration Under 37 C.F.R. § 1.131

3. I, together with my co-inventors, conceived the invention described and claimed in this application, and reduced it to practice, prior to December 16, 2001. Our prior invention is evidenced by the following documents, which were published prior to December 16, 2001:

(a) the press release "Space Adventures' Orbital Pre-Qualification Program Officially Approved by Russian Cosmonaut Training Agencies" published online by my company, Space Adventures on September 10, 2001, attached as Exhibit A; and

(b) the article "Space Tourism – Feasible or Flights of Fancy?" published in the online journal SPACE.com by Leonard David on October 4, 2001, attached as Exhibit B.


4. As documented by Exhibit A, and corroborated by Exhibit B, my co-inventors and I conceived the invention of at least current independent claims 1, 11, and 21, and reduced it to practice, prior to December 16, 2001. For example, illustrative embodiments of the subject matter of claims 1, 11, and 21 are described in at least paragraphs 1, 2, and 5 on page 1 of Exhibit A, and also in at least paragraphs 4-8 of page 2 of Exhibit B.

5. The acts described above in paragraphs 3 and 4 were carried out in the United States of America, or else in a WTO member country.

6. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United

States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

2/5/08
Date


Eric Anderson

Date

Robert Pearlman

Date

Michael Lyon

#263413

States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date

3/6/08

Date

Date

#263413

Eric Anderson



Robert Pearlman

Michael Lyon

Atty. Docket No.: 39281-208683

Declaration Under 37 C.F.R. § 1.131

Page 3 of 3

States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date

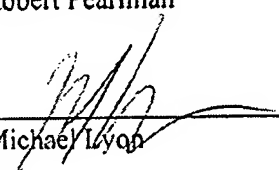
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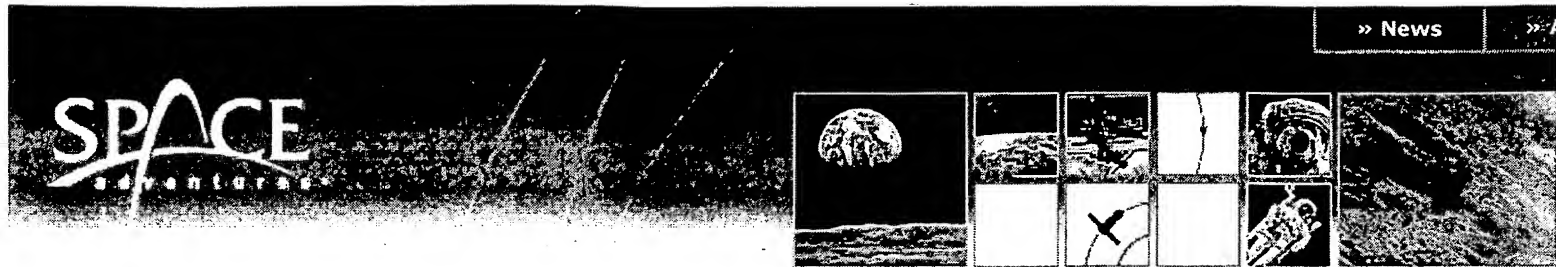
Date



Michael Lyon

#263413

EXHIBIT A



- ▶ Our Vision
- ▶ Lunar Mission
- ▶ Orbital Spaceflight
- ▶ Suborbital Spaceflight
- ▶ More Spaceflight Experiences
- ▶ Corporate Promotions and Incentives
- ▶ Spaceflight Club

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Space Adventures' Orbital Pre-Qualification Program Officially Approved By Russian Cosmonaut Training Agencies

September 10 2001

Ever wondered if you have the *right stuff* to fly in space? Space Adventures, the world leader in space tourism, announced today the official approval of its Orbital Flight Pre-Qualification Program by the Russian agencies responsible for cosmonaut training. The Space Adventures program provides individuals with space flight training and medical assessment, and can pre-qualify a potential candidate as eligible for a flight to the International Space Station (ISS).

"We are very excited to offer this unique opportunity for all those who have dreamt of becoming astronauts. There are so many people worldwide who want to fly to space, but this is the only way to see if they have the 'right stuff' for such a flight without having to be a career astronaut or cosmonaut," said Eric Anderson, CEO of Space Adventures, Ltd.

Space Adventures, which assisted with and facilitated the flight of the world's first privately-funded space traveler Dennis Tito earlier this year, is currently working with the Russian Aviation and Space Agency (RSA), RSC Energia, and the Yuri Gagarin Cosmonaut Training Center (GCTC) to develop future private flights to the ISS.

"Space Adventures' Orbital Flight Pre-Qualification Program has been officially recognized by GCTC and the State Research Center of the Russian Federation - Institute of Biomedicine (IMBP). This will help ensure that all future space tourists are adequately screened and prepared for a flight in space," said Air Force Col.-Gen. Pyotr Klimuk, the GCTC Director.

Space Adventures is offering the Orbital Flight Pre-Qualification Program in Russia through its relationship with the GCTC (Star City) and IMBP. The program will provide people with the exciting and challenging activities that will prepare them for travel into space. A full cosmonaut board medical certification, a zero-gravity flight, MiG-25 and MiG-29 high-altitude supersonic jet flights, neutral buoyancy tank and Soyuz simulator training are included.

About Space Adventures, Ltd.

Space Adventures Ltd., headquartered in Arlington, VA with an office in Moscow, Russia, is a privately owned company founded by a team of space and adventure travel experts. The company's programs currently include flights to the edge of space in the world's fastest aircraft, zero-gravity flights, space shuttle launch tours, and educational tours to the world's major space and astronomy facilities. Through its partnerships with the best in the commercial space industry, Space Adventures is also the only company developing passenger suborbital space

flights, which will be available before 2005. The company's advisory board comprises Apollo 11 moonwalker Buzz Aldrin; shuttle astronauts Kathy Thornton, Robert (Hoot) Gibson, Charles Walker, Norm Thagard, Richard Searfoss, and Byron Lichtenberg; and Skylab astronaut Owen Garriott.

For more information about Space Adventures, or for reservations, call 1-888-85-SPACE, +1 (703) 524-7172, or visit www.spaceadventures.com.

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EXHIBIT B

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SpaceFlight:

Complete coverage of worldwide launch operations with mission archives and more...

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SEND TO A FRIEND

Space Tourism - Feasible or Flights of Fancy?

By Leonard David

Senior Space Writer

posted: 07:00 am ET

04 October 2001

Flip-flop

NASA appears to be undergoing a flip-flop in position, a change of heart about public space flight.

Back in April, space agency chief, Daniel Goldin, was fuming and flat-out furious about millionaire Dennis Tito's pay-per-view flight to the ISS. Today, NASA policymakers are touting a new space commerce strategy that embraces public "space travelers".

That document, still in draft form, is labeled: *Enhanced Strategy for the Development of Space Commerce*.

"There has long been a desire by members of the general public to become space travelers. To date, however, access to space by humans has generally been the sole province of astronauts and cosmonauts utilizing government developed and operated space transportation systems and orbital facilities," the NASA strategy proclaims.

Making space travel affordable and available to the general public, the document continues, means private sector development and operation of commercial space transportation systems and orbital facilities. And to make it so, NASA is ready to open wide its doors to assist the private sector in fostering "human space travel as a new area of commerce". NASA technology, facilities, hardware, information - all this and more are on call to help energize commercial space travel and tourism, the draft strategy states.

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Spacehab's Enterprise module shown attached to the International Space Station. credit: SPACEHAB

CLICK TO VIEW

A Russian Mig 25 ride takes paying passenger to the edge of space.

http://www.space.com/missionlaunches/space_tourism_011004-2.html

1/25/2008

Mass transit ideas

The NASA space commerce strategy also rekindles a Spaceflight Participant Program. Doing so will allow "limited opportunities" for the general public to ride aboard the space shuttle and the ISS.

While welcome news, there's still more NASA could be doing, said Eric Anderson, chief executive officer of Space Adventures Ltd. in Arlington, Virginia. His group is busy at work on mass transit ideas for public access to space.

"This is a good first step for NASA towards commercialization, yet we feel it should go further and open the space frontier to paying tourists," Anderson told SPACE.com.

Space Adventures is attached at the oxygen hose with the Russian Aviation and Space Agency, RSC Energia, and the Yuri Gagarin Cosmonaut Training Center (GCTC) to develop future private flights to the ISS.

Last month, Anderson announced creation of an Orbital Flight Pre-Qualification Program.

For a fee, the same Russian agencies that train cosmonauts will take on wanna-be space travelers that suit up to find out if they are suitable for orbital treks.

"This will help ensure that all future space tourists are adequately screened and prepared for a flight in space," said Pyotr Klimuk, Director of the GCTC.

There's no guarantee of actual flight if you get a passing grade. However, by taking medical tests, having zero-gravity airplane trips, streaking to high-altitudes riding in supersonic jet fighters, diving into a neutral buoyancy tank, and partaking in Soyuz simulator training, individuals can find out if they are fit as a fiddle for that day when their countdown comes.

Turn up the volume

Meanwhile, Spacehab is moving forward on its Enterprise commercial space station habitat project.

Spacehab and Russia's RSC Energia, who built the now deorbited Mir space station, have partnered to build Enterprise. The module can be attached to the Russian side of the ISS. Enterprise is to take the place of a Docking and Stowage Module previously planned as a Russian contribution to the ISS.

Spacehab thinks the multipurpose Enterprise measures up, in all types of ways. The module would be 9 feet (3 meters) in diameter and 27 feet (8 meters) long, yielding 1800 cubic feet (50 cubic meters) of pressurized volume. That internal volume can be turned into room for laboratory research services, utilities, stowage space - even transformed to become a home-away-from-home habitat for public visitors.

The Enterprise is scheduled for launch in early 2004.

Also on a private space trajectory is MirCorp. The Amsterdam-based group recently announced its intentions to fabricate and orbit the first commercial space station.



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Free fall fanatics enjoy a brief encounter with microgravity at the U.S. Space & Rocket Center in Huntsville, Alabama. Building a space tourism market starts with public rides here on terra firma.



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Could this be you? Space Adventures wants to make it happen.



MORE STORIES

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- **Russian Official Condemns U.S. Senator for 'Pimp' Remark**
- **Energia Negotiates with 10 Potential Space Tourists**
- **So You Want to Be a Space Tourist? Here's How**

Working with Russian space builders, MirCorp President, Jeffrey Manber, said the "Mini Station 1" would not be permanently occupied. Rather, a three-person crew could live on the orbiting facility for up to 20 days. Commercial visitors to the free-floating outpost, replete with a large window, could include researchers, filmmakers, as well as Earth-gawking tourists, Manber said.

With a \$100 million price tag, the Mini Station 1 could be up and running in 2004.

How soon will lines form of ticket-in-hand space travelers?

Second-guessing how and when a healthy public space travel business will emerge is just that - guesswork. There is no doubt, however, that adventure, travel and fun await those ready to shape up and ship out.

1 2

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